



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------------|
| 10/799,269 | 03/12/2004 | Massimo Rossi | BUGS-36494 | 8666 |
| 116 7590 07/10/2008 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108 | | | EXAMINER YOON, TAE H | |
| | | | ART UNIT 1796 | PAPER NUMBER |
| | | | MAIL DATE 07/10/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,269

Applicant(s)

ROSSI ET AL.

Examiner

Tae H. Yoon

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 6/12/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

A merit of the instant invention appears to be, for example, an inspection of patient's mouth for a radio-opacifier in order to check whether there is any left-over impression material or not as disclosed at page 12, lines 14-23. However, such step(s) is not claimed.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-18 and 20-24 are rejected under 35 U.S.C. 103(a) as obvious over Porter et al (US 2003/0036036 A1) in view of Bublewitz et al (US 2005/0239958 A1), and Jacob et al (US 6,342,187).

Porter et al teach a method of impression taking during immediate loading technique as discussed in the previous office action.

The instant invention further recites an aseptic, two-component polysiloxane composition containing radio-opacifying filler over Porter et al. However, said two-component polysiloxane impression taking composition is well known as taught by Bublewitz et al, [0048] - [0065] and examples wherein the instant viscosity is seen. Bublewitz et al also teach employing various reinforcing and non-reinforcing fillers including zinc oxide in [0112] - [0113] and [0116]. Said [0113] teaches the instant BET surface, and acids in said [0116] would meet the instant reticulating agent.

Sterilization of devices and materials used in dental and medical practices by various methods such as X-ray is well known practice as taught by Jacob et al, col. 2.

It would have been obvious to one skilled in the art to sterilize said polysiloxane dental impression material containing zinc oxide and other filler of Bublewitz et al with X-ray of Jacob et al before use in immediate loading of Porter et al since sterilization of devices and materials used in dental and medical practices by various methods such as X-ray in order to prevent any infection to patients is well known practice, and further to use any art known impression taking material such as that of Bublewitz et al in Porter et al would be a *prima facie* obviousness and since use of zinc oxide in Bublewitz et al also would be a *prima facie* obviousness since Bublewitz et al teach zinc oxide absent showing otherwise.

Claims 14-24 are rejected under 35 U.S.C. 103(a) as obvious over Porter et al (US 2003/0036036 A1) in view of Bublewitz et al (US 2005/0239958 A1), and Jacob et al (US 6,342,187), and further in view of Schwabe et al (US 4,965,295).

The instant claim 19 further recites silicone oil over Bublewitz et al who teach mineral oil in example 6. Schwabe et al teach silicone oils as plasticizers at col. 3, lines 7-16, and silicone oil is one of well known mineral oils.

It would have been obvious to one skilled in the art to utilize said silicone oil of Schwabe et al in polysiloxane dental impression material containing zinc oxide and other filler of Bublewitz et al since silicone oil is one of well known mineral oils, and then to sterilize it with X-ray of Jacob et al before use in immediate loading of Porter et al since sterilization of devices and materials used in dental and medical practices by various methods such as X-ray in order to prevent any infection to patients is well

known practice, and further to use any art known impression taking material such as that of Bublewitz et al in Porter et al would be a *prima facie* obviousness and since use of zinc oxide in Bublewitz et al also would be a *prima facie* obviousness since Bublewitz et al teach zinc oxide absent showing otherwise.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (571) 272-1128. The examiner can normally be reached on Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tae H Yoon
Primary Examiner
Art Unit 1714

THY/July 4, 2008

/Tae H Yoon/